REMARKS

This is in full and timely response to the Office Action dated January 28, 2011.

Support for the claims may be found variously throughout the specification.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Claim Rejections

i.   This Amendment cancels claims 27-48.

While not conceding the propriety of this rejection and in order to advance the prosecution of the present application, this Amendment cancels claims 27-48.

Newly added claims

ii. Claims 49-68.

Claims 50-59 are dependent upon claim 49. Claim 49 is drawn to a data transmitting apparatus comprising:

> a packetizing blocks configured to packetize information and data into a stream of non-real time packets and streams of real time packets, successive ones of the real time packets in one of the streams being chronologically separable by a time interval;

a stream transmitting portion configured to transmit a non-real time packet from the stream of non-real time packets, said non-real time packet being transmissible during a non-real time period,

wherein said non-real time period is said time interval when said time interval is determined to be longer than a transmission time for the non-real time packet, said transmission time for the non-real time packet being a time length for transmission of said non-real time packet.

Claims 60-69 are dependent upon claim 59. Claim 59 is drawn to a data transmitting method comprising:

packetizing information and data into a stream of non-real time packets and streams of real time packets, said stream of non-real time packets and said streams of real time packets being stored in buffer memories;

chronologically separating successive ones of the real time packets in one of the streams, a time interval being between said successive ones of the real time packets;

transmitting a non-real time packet from the stream of non-real time packets, said non-real time packet being transmitted over a transmission path during a non-real time period,

wherein said non-real time period is said time interval when said time interval is longer than a transmission time for the non-real time packet, said transmission time for the non-real time packet being the length of time to transmit said non-real time packet.

The references applied in the rejection of prior claims 27-48 are ***silent*** as to a time interval being between successive real time packets being a non-real time period *when the time interval is longer than a transmission time for the non-real time packet.*

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale,* 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Conclusion

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

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Respectfully submitted,

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